

FISCAL NOTE

Bill #: HB0374

Title: Increase drunk driving penalty when person under 16 was in vehicle

Primary Sponsor: Harris, C

Status: As Amended in House Committee

Sponsor signature

Date

David Ewer, Budget Director

Date

Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$0	\$0
State Special Revenue	\$129,464	\$129,464
Revenue:		
General Fund	\$97,425	\$97,425
State Special Revenue	\$0	\$0
Net Impact on General Fund Balance:	\$97,425	\$97,425

- | | |
|---|--|
| <input checked="" type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Department of Justice – Montana Highway Patrol (MHP)

1. The MHP issues approximately 2,670 citations for violations of DUI statutes yearly.
2. Of the 2,670 arrests, it is estimated that a maximum of ten percent involve passengers under the age of 16 years, or 267 arrests.
3. Of the 267 arrests, 133 of them would be for first time DUI or Per Se offenders, 88 for second offense, and 46 for third offense or higher. These numbers are based on the DUI offender statistical profile provided by NHTSA.
4. The total amount of increased fine monies generated under this section is \$194,850, half of which is deposited in the state general fund and the other half with the county in which the arrest is made. The state share is estimated at \$97,425 per year.
5. These increased fines are further broken down by offense level as \$59,850 for first offense (\$450 increase in average fine), \$66,000 for second offense (\$750 increase in average fine), and \$69,000 for third or subsequent offense (\$1,500 increase in average fine per violation).
6. The total amount of increased jail costs to the MHP is estimated to be \$129,464.

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(continued)

7. These costs are further broken down as \$8,088 for increased first offender jail time, \$37,458 for increased second offender jail time, and \$83,918 for increased third offense or higher jail time.
8. All assumptions are based on one occupant in the offender's vehicle being under the age of sixteen. This type of information is not tracked by the MHP, so only best estimates are available.

Department of Corrections

9. It is unclear whether this legislation intends to increase the penalty for first through third DUI, when a minor is a passenger, to a felony offense.
10. This bill removes the language that requires incarceration to be in a county jail, apparently permitting the incarceration to incur in prison. This cannot occur without the offense being a felony therefore DOC is unable to determine fiscal impact on first through third DUI offenses involving a passenger who is 16 or under without clarification of the legislation.
11. The amended bill strikes the section regarding fourth and subsequent DUI penalties. Current felony DUI sentences include six months in a DUI treatment program with the remainder of the sentence served on probation. The amended legislation allows for DOC to continue using current felony DUI penalties resulting in no additional fiscal impact for the department.

FISCAL IMPACT:

Department of Justice

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$129,464	\$129,464
<u>Funding of Expenditures:</u>		
State Special Revenue (02)	\$129,464	\$129,464
<u>Revenues:</u>		
General Fund (01)	\$97,425	\$97,425
<u>Total Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	\$97,425	\$97,425
State Special Revenue (02)	(\$129,464)	(\$129,464)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There would be \$97,425 in fine revenue from MHP citations would deposited in the general funds of the counties that citations for violation of this section are issued in.

TECHNICAL NOTES:

Violations of DUI statutes are generally referred to City or Justice Courts. These courts of limited jurisdiction would not be able to imprison offenders for more than one year, making the two-year provision listed in the new language for third offenders unusable.